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ABSTRACT

This study sought to examine whether the growth in the District of Columbia's criminal justice expenditures was impacting on the financing of public higher education. Text, graphs, and figures focus on: (1) the impact of criminal justice policies on the University of the District of Columbia (UDC)--the only publicly funded institute of higher education in the District of Columbia; (2) the consequences of the District's criminal justice policies, noting that there are more District residents in prison than there are in publicly funded college classrooms; (3) the negative effects of the District's imprisonment policies on African American communities; (4) the tremendous increase in corrections funding (312 percent) compared to funding for UDC (82 percent) over the last two decades; (5) the long-term consequences of choosing prisons over education; and (6) the need to change priorities. Among six recommendations are the following: abandon the federal sentencing guidelines and leave the "mixed" sentencing system in place; adopt a moratorium on new prison construction and cut the nonviolent prisoner population in half over the next five years; initiate community corrections initiatives; and invest in the future of children, families, and communities. (Contains 23 references.) (DB)

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February 1997

POLICY REPORT

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Destructive Policies Eroding D.C. Communities

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> [We must] renew our great Capital City to make it the finest place to learn, to work, to live; to make it once again the proud face America shows to the world. This is a city of truly remarkable strengths...we see it in the eyes of our children. They deserve the best future we can give them, and we can give them a better future.
> *President Bill Clinton*
> Remarks by the President in the District of Columbia College Reading Tutor Announcement, 1997

> True transformation is about rebuilding community. It is time for our city to renew and rebuild on a foundation that rests on equality, tolerance, peace and understanding."
> *Mayor Marion Barry*
> Remarks by Mayor Barry on the D.C. Day of Dialogue, 1997

Introduction

The District of Columbia is uniquely treated as both a city and a state. Because of this "uniqueness", the District is inundated with the responsibilities that are normally borne only by states. The District is in a severe financial crisis and the biggest loser in the funding battle has been higher education. The University of the District of Columbia is facing such extreme financial constraints that the District's only public institution of higher learning may actually lose its accreditation and may have to close its doors entirely. At a time when "the world we are moving toward will put a higher premium on education than ever before,"[1] public higher education appropriations in the District of Columbia are at their lowest levels in almost twenty years.

While public higher education funding plummets to record lows, spending for corrections is at an all-time high. The nation's capital is funding prisons at the expense of higher education and the consequences are devastating for District communities.

Purpose of the Study

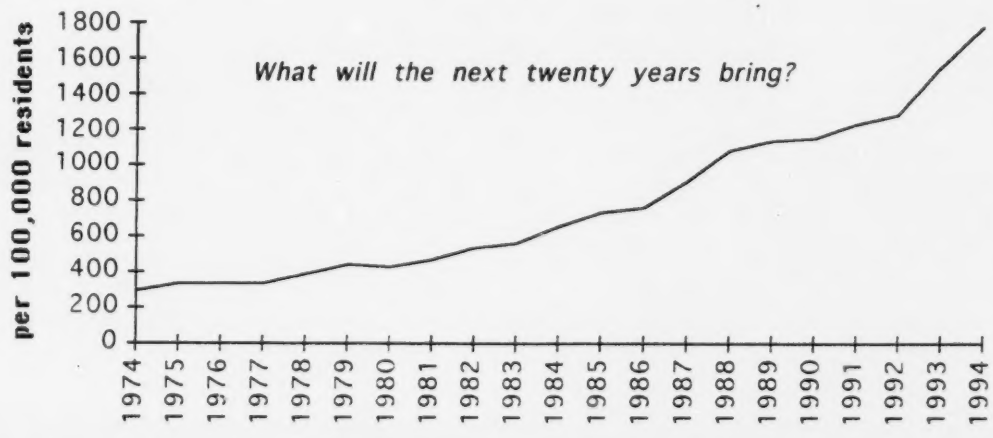
The purpose of this study is to determine if current District of Columbia criminal justice expenditures are growing at the expense of a quality higher education. Given the District of Columbia's financial crisis, higher education is poised to bear the brunt of budget cuts, while corrections spending continues to climb. The issues examined in this report include:[2]

- **What impact are criminal justice policies having on the University of the District of Columbia (the only publicly funded institute of higher learning in D.C.)?**
- **What are the consequences of the District's criminal justice policies?**
- **What impact will the federal government's takeover have on the District?**
- **How can the District ensure public higher education *and* keep its communities safe?**

The District's Incarceration Policies

Despite its high crime rate, the District of Columbia has historically been one of the toughest criminal justice systems in the nation. This trend continues into the 1990s. For the most recent three years for which data is available, the District has the longest time served in prison and jail of any state and has the second highest mean maximum sentences.[3] Over the past twenty years, the District continues to have the highest incarceration rate of any state. This is not so dramatic given the fact that D.C. is compared to less populated states. It is dramatic, however, that the District's incarceration *rate* itself has increased more than *six-fold* in twenty years. (Figure 1)

Figure 1: The Twenty Year Trend: DC's Incarceration Rate



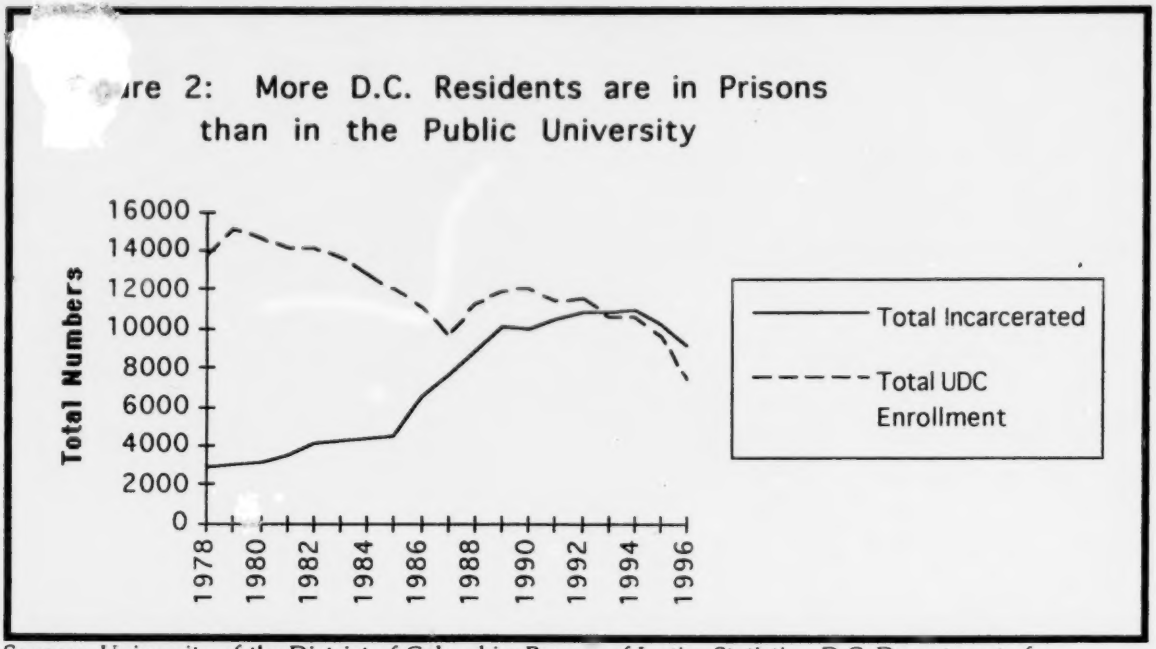
Source: Bureau of Justice Statistics. (1996) Sourcebook 1995. Washington, DC: 557, Table 6.22

Even with lengthy sentences and high incarceration rates, crime continues to plague the District. This is due to the fact that incarceration does not always have a clear impact. According to the Washington D.C.-based Sentencing Project, incarceration increased by 65 percent nationally between 1980 and 1986 and violent crime dropped those years by 16 percent. But when prison use increased by another 51 percent in the United States between 1986 and 1991, violent crime went back up 15 percent, creating essentially two opposite trends.[4]

In 1993, for the first time in the District's history, more District residents are sitting in prison cells than in publicly-funded college classrooms.

Educating more D.C. residents from prison cells than classrooms.

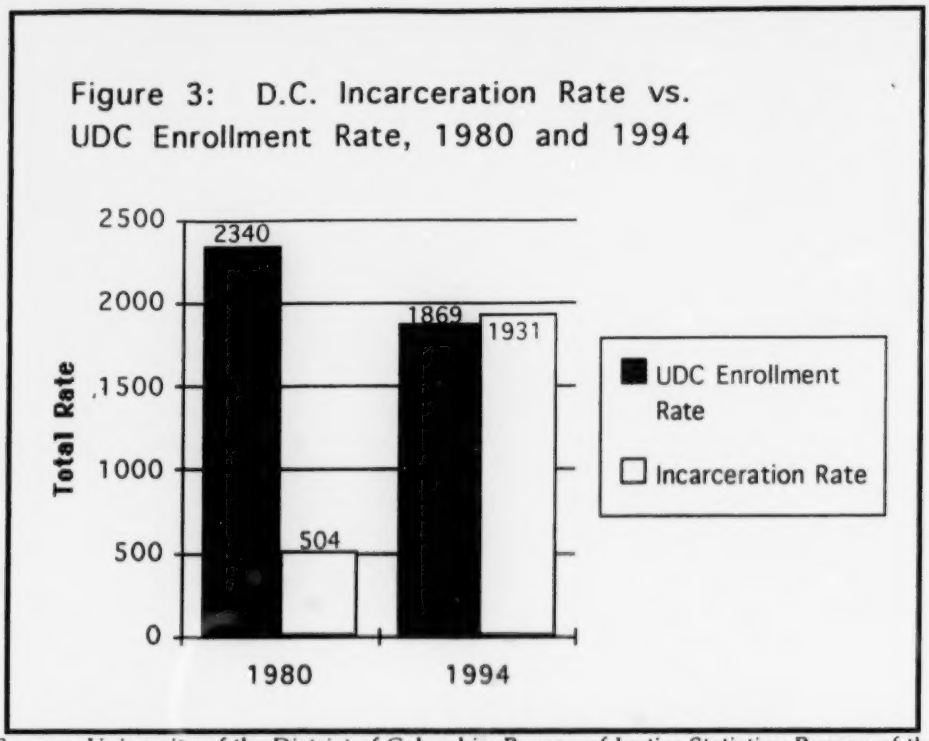
In 1993, for the first time in the District's history, more District residents are sitting in prison cells than in publicly-funded college classrooms. (Figure 2).



Sources: University of the District of Columbia; Bureau of Justice Statistics; D.C. Department of Corrections, Planning Office.

At a time when President Clinton declares that "we can only be a strong, united community if we can educate all our people," UDC's enrollment has plummeted from a peak of more than 15,000 students in 1979 to about 7,000 students today, while D.C.'s "prison enrollment" went from about 3,000 in 1979 to over 9,000 in 1996.[5]

This was not always the case for D.C. In 1980, the total enrollment rate for the University of the District of Columbia (UDC) was actually more than four times D.C.'s incarceration rate. 1994 marked the first year that D.C.'s incarceration rate exceeded UDC's enrollment rate. (Figure 3)



Source: University of the District of Columbia; Bureau of Justice Statistics; Bureau of the Census, population figures. Note: 1980 enrollment rate is based on an estimated 14,605 enrollment population.

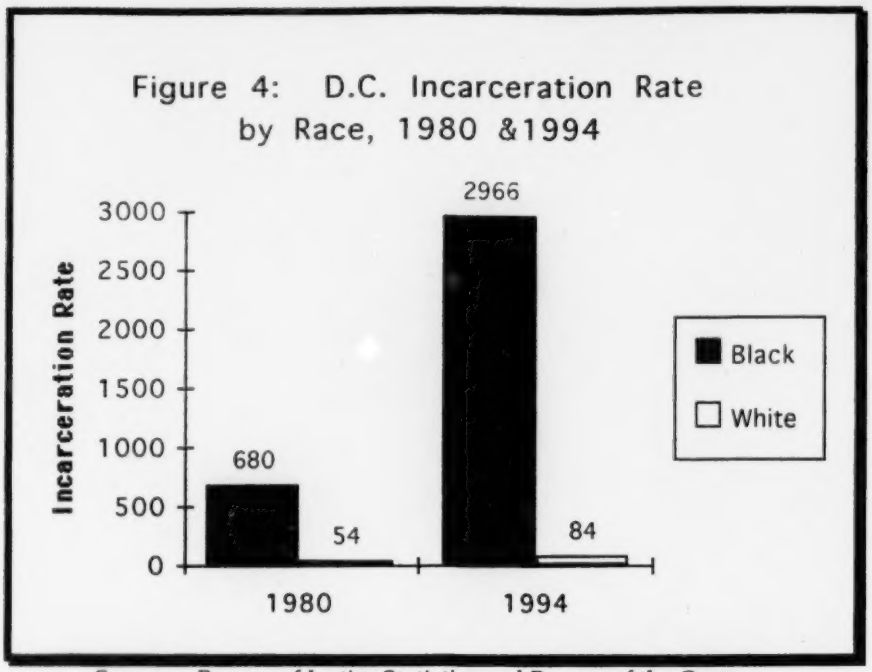
D.C.'s Imprisonment Policies are Destroying African American Communities

African Americans are disproportionately paying the price for the District's tough crime policies. *Today, 98.6% of those imprisoned in the nation's capital are African American.*[6] Although African Americans comprise about two-thirds of the District's population, their rates of incarceration far exceed their population.

In 1994, (the latest data available) the D.C. incarceration rate of blacks was 35 times that of whites.

The racial disparities are glaring. In 1994 (the latest data available), the D.C. incarceration rate of blacks was 35 times that of whites. From 1988 to 1994, 38 states and the District of Columbia experienced an increase in the racial disparity in their rates of incarceration. Nationally, the black rate of incarceration during this period increased from 6.88 times the rate of whites to 7.66.[7] In the District during this period, the black rate of incarceration increased from 13.39 times the rate of whites to 35.31 (*more than two-and-a-half times*).[8]

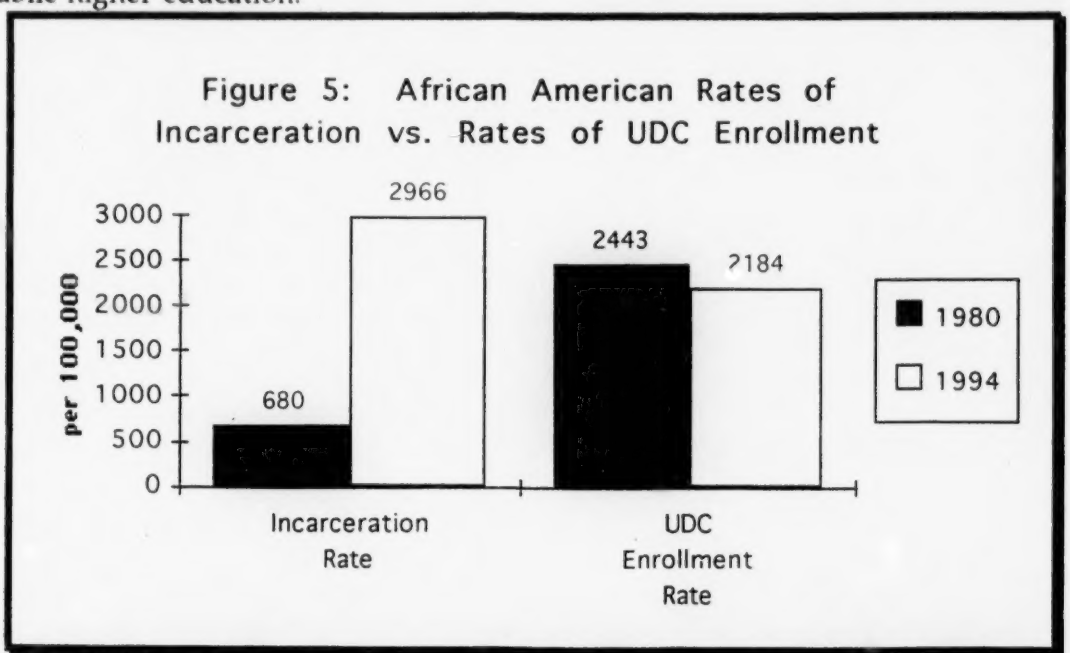
From 1980 to 1994, the white incarceration rate increased from 54 per 100,000 District residents to 84 per 100,000; while the black incarceration rate increased more than *four-fold*, from 680 to 2,966 per 100,000. (Figure 4)



Sources: Bureau of Justice Statistics and Bureau of the Census.

African Americans are imprisoned in our nation's capital 36% more frequently than they are recipients of public higher education.

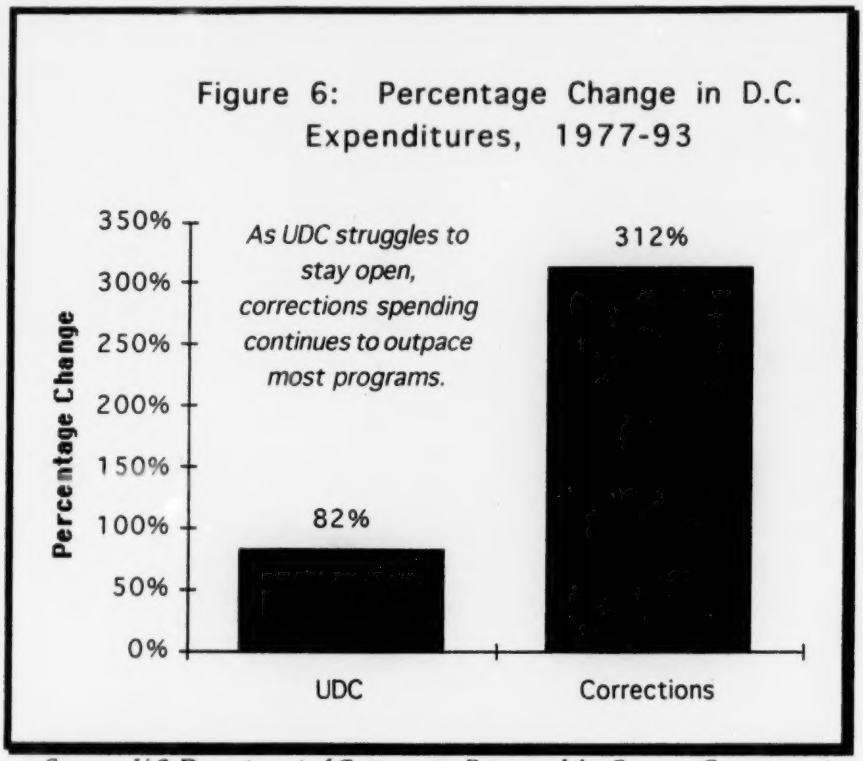
In 1980, the black enrollment rate at UDC was 3.5 times that of the black incarceration rate. By 1994, the black enrollment rate at UDC *decreased* by 10.6%, while the black incarceration rate increased more than *four-fold*, skyrocketing to an astounding 2,966 per 100,000. (Figure 5). That means that African Americans are imprisoned in our nation's capital 36% more frequently than they are recipients of public higher education.



Source: The University of the District of Columbia; Bureau of Justice Statistics; Bureau of the Census.

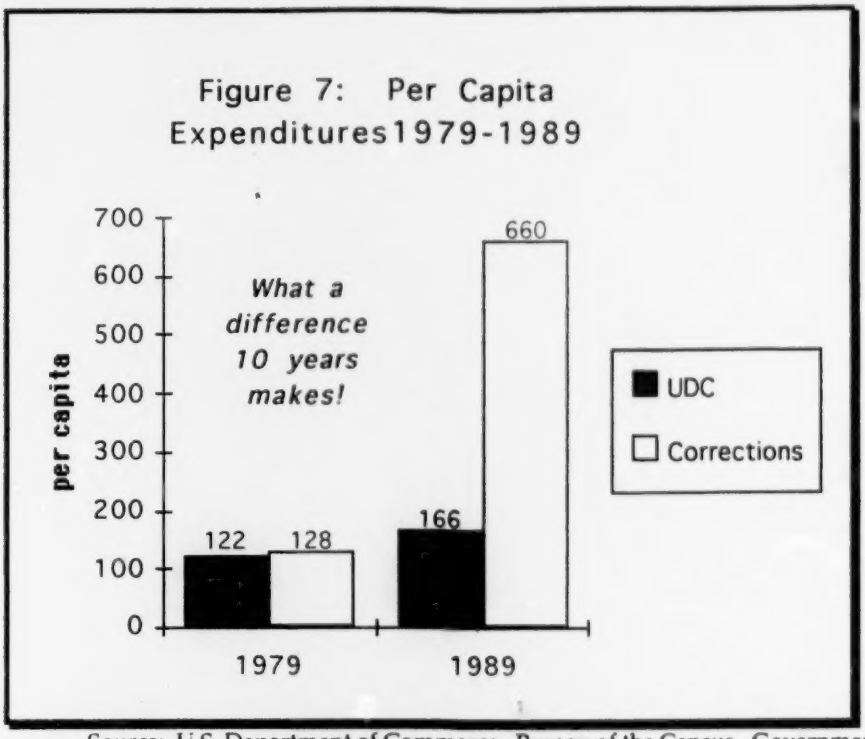
The Battle for Funding: Prison vs. College

The tremendous increase in corrections funding over the last two decades has added to the District of Columbia's financial constraints. Since the University of the District of Columbia's inception in 1976, expenditures for UDC increased by a modest 82%, while corrections spending increased by 312%. (Figure 6) In the 1980s alone, corrections expenditures increased at a rate of almost *seven times* that of higher education spending.



Source: U.S. Department of Commerce. Bureau of the Census. Government Finances: 1977-79, 1993-94. Washington, D.C.

The per capita spending is even more telling. In the late 1970s, the per capita spending for both corrections and UDC was virtually equal. In the course of ten years, the per capita spending for corrections hit an all time high in 1989 and outpaced higher education per capita expenditures by a margin of *four to one.* (Figure 7)

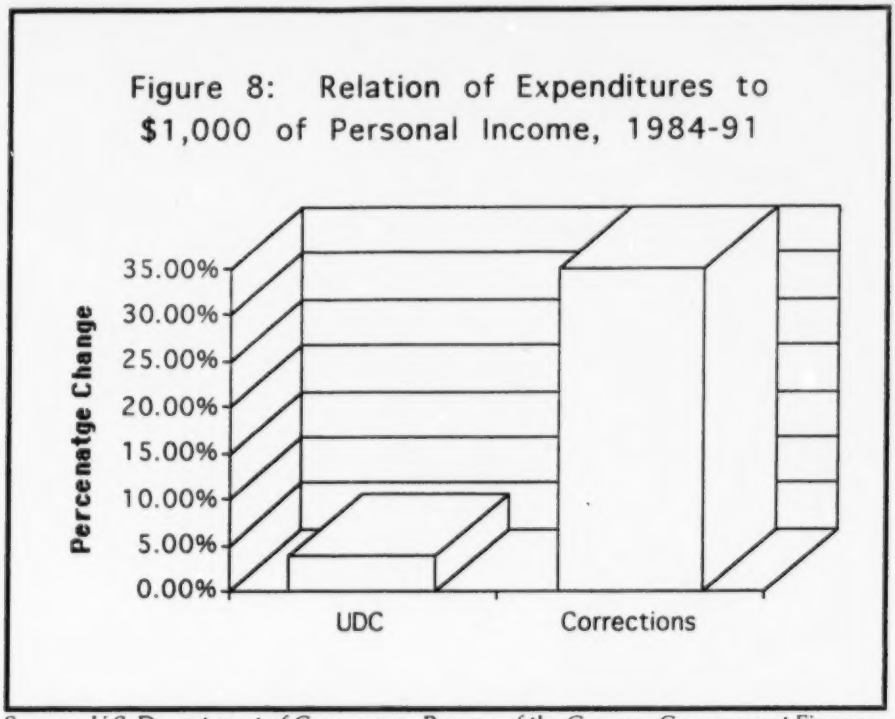


Source: U.S. Department of Commerce. Bureau of the Census. Government Finances: 1979-80, 1989-90. Washington, D.C.

For the last three years for which data is available (1989-91), D.C. was first in per capita corrections spending and last in per capita spending on higher education.

Over the last two decades, the District has continuously had the highest per capita corrections expenditures of any other state; and yet the per capita spending on higher education has been last or virtually next to last over the same time period.[9] For the last three years for which data is available (1989-91), D.C. was first in per capita corrections spending and last in per capita spending on higher education.

From 1984 to 1991 (the latest data available), the percentage increase in corrections expenditures to $1,000 of personal income was *nine* times the higher education increase. (Figure 8)

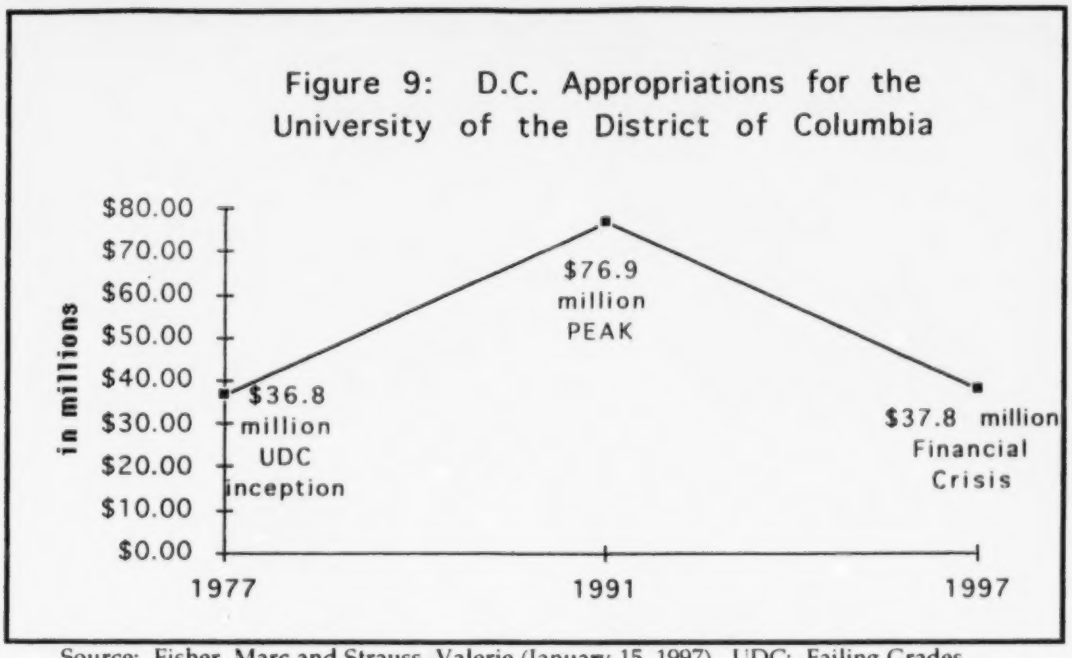


Source: U.S. Department of Commerce. Bureau of the Census. Government Finances: 1984-85, 1991-92. Washington, D.C.

The residents of the District are losing access to a four-year, publicly funded education. According to a report issued by the Middle States Association of Colleges and Schools:

> "The academic climate and classroom instruction at UDC is perilously close to falling below the minimum quality level. If the UDC is forced to take further cuts in its appropriations...it will not be able to sustain a quality academic environment."[10]

The UDC is currently trying to close an $18.2 million budget gap. This is certainly not an easy feat given that the D.C. appropriations for the University fell from its peak of $76.9 million in 1991 to an almost record low of $37.8 million in 1997.[11] The only time UDC appropriations were lower than today were the first two years of the school's inception. (Figure 9)



Source: Fisher, Marc and Strauss, Valerie (January 15, 1997). UDC: Failing Grades, First of Two Articles. *The Washington Post.*

UDC's budget has plummeted by about 45% in five years and the students are bearing the brunt of the budget cuts through tuition hikes. In one year alone, tuition costs for UDC students increased by 29% per credit hour. The UDC faculty are also feeling the financial constraints. The University recently fired 125 faculty members and nearly 200 non-faculty employees to help close the $18.2 million deficit. Faculty leader Dave Chatman and others say that the cuts have "destroyed the academic integrity of the District's only public institution of higher learning."[12]

The Consequences of Choosing Prisons over Education

As the figures demonstrate, the extraordinarily high rates of incarceration in the District of Columbia are adversely affecting African American communities. The Sentencing Project recently released a report outlining the unintended consequences current corrections policies have on the African American community.[13] The repercussions of imprisonment are cyclical in nature.

One consequence of a felony conviction is the loss of voting rights for a period of time. With so many of the District residents behind bars, the disenfranchisement from the electoral process clearly dilutes the political power of the African American community. Also, economic research demonstrates that contact with the criminal justice system, even in the form of an arrest, has a depressing effect on wages. The District's high incarceration rate may be a contributing factor to the District's unemployment rate of 7.4% and the median household income of $30,000 -- $10,000 below the national average.[14]

> Neighborhoods plagued by high levels of joblessness are more likely to experience low levels of social organization: the two go hand in hand. High rates of joblessness trigger other neighborhood problems that undermine social organization, ranging from crime, gang violence, and drug trafficking to family breakups and problems in the organization of family life.[15]

The Sentencing Project questions if these unintended consequences of incarceration outweigh the intended objectives, especially given the high levels of incarceration for *nonviolent* offenders.[16] Nationally, 84% of the increase in state and federal prison admissions since 1980 was accounted for by nonviolent offenders.[17] In the District, between 60% to 65% of the prison population are nonviolent offenders.[18] An investment in crime prevention programs as well as non-prison sanctions for appropriate offenders can potentially reduce the devastating impact incarceration has had on many communities.

The consequences of denying District residents a quality public higher education are enormous. "UDC turns lives around." Keith Johnson, the undergraduate student government president cites himself as an example of a typical UDC student whose life has been changed by the university.[19] He, along with many other UDC students, credit open enrollment with turning them from life on the streets to a life of higher education. Under open admission, any high school graduate may enroll at UDC, and 89 percent of students require remedial work in English, math or both.[20] If UDC is not properly funded, what education facility will take its place? How will D.C. residents receive the education their secondary schools failed to provide?

Pathway to the Future: Changing Priorities

President Clinton's recent proposal to "revitalize" the nation's capitol comes at a crucial time. The federal government plans to take over many services that are generally state functions. This includes D.C.'s corrections system. No city in America operates a state prison system, and the fact that D.C. has operated its prisons for so long has added to the District's financial crisis. The federal government's takeover of the D.C. corrections system will certainly improve the District's current financial woes.

The President's plan, however, goes beyond shifting responsibility and the $891 million annual operating costs for D.C.'s prisons by proposing that the District's workable penal code be eliminated in favor of the controversial Federal Sentencing Guidelines. Despite extraordinarily high incarceration rates, this proposal will ultimately imprison *more* District residents at even higher rates, for longer periods of time, and for an increased number of *nonviolent* offenses.

Six years ago, former-President Jimmy Carter noted that "the District is sliding into an abyss."[21] This abyss is coming in the form of a city largely affected by incarceration policies instead of education policies. Right now, only 38.2% of the District residents aged 25 years or older have received a bachelor's degree or higher.[22] The District simply cannot afford to deny its residents a fully-funded public institution for higher learning. The African American community simply cannot afford to live without the University of the District of Columbia which ranks among the top ten universities in the number of bachelor's degrees in science and engineering awarded to black students, and among the top thirty in the number of master's degrees given to blacks.[23] It is time to invest in the future of our nation's capital by investing in its residents and its communities.

Recommendations

1. Abandon the federal guidelines proposal and leave the current "mixed" sentencing system in place.

This is entirely analogous to the way criminal law works in every other state in the country, where a penal code established by the voters of that state, and a federal code, co-exist. In the District's case, the President will actually have more control than is typical in a state-federal relationship, since he appoints D.C.'s United States Attorney, who oversees prosecutions under both penal codes. The District of Columbia already has a penal code which incarcerates its citizens at four times the national average and hands out probation nearly a third less frequently than courts around the country.

2. Adopt a moratorium on new prison construction.
Cut the nonviolent prisoner population in half over the next five years.

A moratorium on new prison construction must be implemented immediately until states can determine which prisoners might be better served by a nonprison sanction. If the current prison build-up continues, officials will never have the opportunity to utilize their resources more effectively. Instead, they will continue to fill these new prisons with nonviolent offenders. Corrections officials have stated that 50% of their *entire* prison populations could be released into programs such as intensive supervision and drug treatment. Reducing *nonviolent* prisoner populations by 50% is a more conservative step toward evaluating the effectiveness of such a proposal. The thousands of dollars saved by the diversion of appropriate inmates could be used partially to establish a range of intermediate community options for such offenders *and* to offset taxpayer costs for other needed state services--such as higher education.

3. Initiate Community Corrections Initiatives.

Between 60% to 65% of the District's prisoners are nonviolent offenders. Of those, there is a significant number of offenders who can be treated through a comprehensive and cost-beneficial range of no-nonsense community corrections programs including supervised probation, daily reporting, house arrest, drug treatment, and progressively steeper fines. Channeling between 10% to 33% of D.C.'s prisoners into intermediate punishments would free up between $24 to $79 million. A portion of those savings could be reallocated to the University of the District of Columbia to keep its doors open and the rest could provide treatment and supervision to appropriate offenders.

4. Establish a D.C. prison authority to assure that most D.C. prisoners are kept within 200 miles of the District and creatively experiment with state-of-the-art prison programming.

The District's prisons cannot stay under the much maligned D.C. Department of Corrections, nor should they be moved under the Federal Bureau of Prisons. District prisoners have needs separate and distinct from federal inmates. Furthermore, the federal system's policy would scatter D.C. prisoners around the country, affording little of the critical contact with their families and other community supports vital for rehabilitation. Instead, a separate prison authority should be established specifically to operate D.C.'s prisons. The authority should assure that the vast majority of D.C. prisoners are kept within a 200 mile radius of the District.

Nine out of ten prisoners will complete their sentence and return to the community. Their prison experience not only fails to rehabilitate them, but often makes them worse. Indeed, prisons have a better chance of turning a shop lifter into an armed robber than a law-abiding citizen. Fortunately, there is research on "what works". The Justice Department's research division should team up with the new prison authority to create a model prison system in D.C. The District is a small enough jurisdiction where well thought-out, well implemented prison programs could have a significant impact and could be readily evaluated. Successful models could then be promulgated to prison systems nationally through the Justice Department's technical assistance arm.

5. Provide victims in the District with universal access to victim-offender reconciliation, at the victim's discretion.

In British Columbia, Canada, every victim has a right to confront their offender through a reconciliation process conducted by a justice system staff member. Moreover, if the victim and offender can work out a solution which is amenable to both, the case is settled, saving the victim the need to attend endless hearings, and saving the taxpayers millions in court and incarceration costs. Under this system, there is a much higher level of victim satisfaction than under the previous adversarial system. Victim-offender reconciliation has been adopted system-wide by New Zealand and has been written in to South Africa's new constitution.

Such a model is ideal for the District. The great majority of crime in D.C. occurs between victims and offenders of the same race who know each other and live in the same neighborhood. The District's neighborhood breakdown would readily lend itself to a community-by-community approach to justice which does not involve shipping offenders to downtown courthouses or distant federal prisons. And of course, in cases where victims do not wish to engage in a reconciliation process, the typical justice system process would still be available.

6. Invest in the future of children, families and communities.

We must not lose sight of the fact that our children, our families and our communities are the essence of America. Unfortunately, current criminal justice policies are detracting from our investments in the youth of America. As more prisons are built to house low-level nonviolent offenders, more children are denied access to higher education, unable to afford exorbitant tuition costs. As state corrections budgets increase, investments in higher education decrease. Current corrections policies are draining the lifeblood from America's youth and from the nation's capitol. There needs to be an immediate shift in priorities from funding prisons to funding higher education.

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Endnotes

[1]President Bill Clinton. (February 21, 1997). *Remarks by the President in District of Columbia College Reading Tutor Announcement.* Washington, D.C.
[2]Note: All public higher education figures for the District refer to the University of the District of Columbia (UDC), the only publicly funded college in DC. The data used for corrections per capita and total expenditures are conservative figures based on the Department of Commerce, Census Bureau data. Data collected from the Department of Justice reveal significantly higher expenditures. The Census Bureau figures were used throughout this report for both higher education and corrections to ensure integrity and consistency.
[3]Bureau of Justice Statistics. (1996). *Sourcebook of Criminal Justice Statistics 1995.* Washington, DC: 572, Table 6.37.
[4]Myers, Linnet. (December 4, 1995). Prison population is soaring in U.S. *Chicago Tribune.*
[5]Note: the incarceration figures for DC include both prisons and jails. Bureau of Justice Statistics and the University of the District of Columbia.
[6]Note: The Hispanic population was not separated out; therefore, there may be Hispanics mixed in both the white and black categories. Bureau of Justice Statistics. (1996). *Sourcebook of Criminal Justice Statistics 1995.* Washington, DC:
[7]Mauer, Marc. (January 1997). *Intended and Unintended Consequences: State Racial Disparities in Imprisonment.* Washington, D.C.: The Sentencing Project.
[8]Bureau of Justice Statistics; and Bureau of the Census. Government Finances and Population data.
[9]Department of Commerce. Bureau of the Census. Government Finances, 1977-94. Washington, DC.
[10]Fisher, Marc and Strauss, Valerie (January 16, 1997). UDC: Failing Grades, Second of Two Articles. *The Washington Post.*
[11]Fisher, Marc and Strauss, Valerie (January 15, 1997). UDC: Failing Grades, First of Two Articles. *The Washington Post.*
[12]Strauss, Valerie. (February 16, 1997). Meaning of UDC Cuts Depends on Viewpoint. *The Washington Post.*
[13]Mauer, Marc. (January 1997). *Intended and Unintended Consequences: State Racial Disparities in Imprisonment.* Washington, DC: The Sentencing Project.
[14]U.S. Census Bureau and D.C. Office of Planning
[15]Wilson, William Julius. (1996). *When Work Disappears.* Alfred A. Knopf: 20-21.
[16]Mauer, Marc. (January 1997). *Intended and Unintended Consequences: State Racial Disparities in Imprisonment.* Washington, DC: The Sentencing Project: 14.
[17]Bureau of Justice Statistics. (June 1994). *Prisoners 1993.* Washington DC: 13, Table 18.
[18]National Council on Crime and Delinquency. (July 1996). *Crime and Justice Trends in the District of Columbia.* Washington, D.C.: Office of Grants Management and Development.
[19]Watson, Christopher. UDC students, faculty concerned over future. *The Eagle*: American University Washington, DC.
[20]Watson, Christopher. UDC students, faculty concerned over future. *The Eagle*: American University Washington, DC.
[21]Fisher, Marc and Strauss, Valerie (January 16, 1997). UDC: Failing Grades, Second of Two Articles. *The Washington Post.*
[22]U.S. Census Bureau and D.C. Office of Planning.
[23]Fisher, Marc and Strauss, Valerie (January 16, 1997). UDC: Failing Grades, Second of Two Articles. *The Washington Post.*

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